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Attorneys for Plaintiffs M.P., a minor, and ROY MCCOLLUM

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

M.P., a minor, by and through his guardian
ad litem, Roy McCollum, individually and as
successor in interest to Decedent
BRITTANY CAITLIN McCULLUM; and
ROY McCOLLUM, individually,

Plaintiffs,

v.

COUNTY OF SAN JOAQUIN, a public
entity; San Joaquin County Sheriff
PATRICK WITHROW; San Joaquin County
Employees PAULA ALEYDA ARAGON

CASE NO. 2:23-cv-00245-KJM-AC

**SECOND STIPULATION AND ORDER TO
EXTEND TIME TO RESPOND TO
COMPLAINT**

Complaint Filed: 02/08/2023

DE GONZALEZ, LVN; MARY M.
CENDANA, RN; and County of San Joaquin
DOES 1-50, jointly and severally,

Defendants.

Plaintiffs M.P., a minor, by and through his guardian ad litem, Roy McCollum, individually and as successor in interest to Decedent BRITTANY CAITLIN McCULLUM; and ROY McCOLLUM, individually, by and through their counsel of record; hereby STIPULATE and AGREE that Defendants COUNTY OF SAN JOAQUIN, PATRICK WITHROW, PAULA ALEYDA ARAGON DE GONZALES, LVN and MARY M. CENDANA, RN (County Defendants) may have a further extension until July 31, 2023 to file a responsive pleading to Plaintiffs' Complaint, to allow counsel for Defendants and Plaintiffs to further meet and confer regarding the Complaint, in an effort to avoid motion practice. The Parties previously stipulated, and the Court entered, an Order allowing Defendants a 28-day extension, until June 19, 2023, to respond to the Complaint. ECF No. 16. The Parties need additional time to meet and confer regarding possible amendment of the Complaint after receiving informal discovery, all in an effort to avoid motion practice.

The Parties further agree that, if County Defendants elect to file any responsive pleading other than an answer, the following briefing schedule will apply: Plaintiffs shall have the same amount of time as the County Defendants' extension within which to file their Opposition to any motion, i.e., 91 days (21 days from the May 1, 2023 date of service of the Complaint, plus the initial 28-day extension and the further 42-day extension). The Parties further agree that the County Defendants' Reply to Plaintiffs' Opposition shall be due seven days after the filing of Plaintiffs' Opposition. This stipulated briefing schedule will override the otherwise applicable briefing schedule under the Eastern District of California Civil Local Rules.

IT IS SO STIPULATED.

Dated: June 13, 2023

Respectfully submitted,

PORTER SCOTT
A PROFESSIONAL CORPORATION

/s/ John R. Whitefleet (as authorized on 06/13/23)
By: John R. Whitefleet
Attorneys for Defendants

1 Dated: June 13, 2023

LAW OFFICE OF SANJAY S. SCHMIDT
-and-
HELM LAW OFFICE, PC

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4 /s/ T. Kennedy Helm, IV

5 By: T. Kennedy Helm, IV
6 Sanjay S. Schmidt
7 Attorneys for Plaintiffs

ORDER

8 GOOD CAUSE APPEARING THEREFOR, and the Parties having stipulated to the same, the
9 Parties' stipulation is hereby APPROVED IN PART.

10 **IT IS HEREBY ORDERED** that Defendants COUNTY OF SAN JOAQUIN, PATRICK
11 WITHROW, PAULA ALEYDA ARAGON DE GONZALES, LVN and MARY M. CENDANA, RN
12 (County Defendants) shall file their response to Plaintiffs' Complaint by July 31, 2023.

13 **IT IS FURTHER ORDERED** that if County Defendants elect to file any responsive pleading
14 other than an answer, the following briefing schedule will apply: Plaintiffs shall have **thirty days** from
15 the filed date of this order to file their Opposition to any motion,. The County Defendants' Reply to
16 Plaintiffs' Opposition shall be due **seven days** after the filing of Plaintiffs' Opposition.

17 **IT IS SO ORDERED.**

18 DATED: June 22, 2023.

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22 CHIEF UNITED STATES DISTRICT JUDGE
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